

FILED
AUG 10 2005
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. CR05-00491 VRW (BZ)
)
v.)
)
PAUL ANCAJIMA,) **DETENTION ORDER**
)
Defendant.)
_____)

On August 5, 2005, the Court held a detention hearing and received evidence in the form of the United States' proffer, the defendant's proffer and, a report by United States Pretrial Services.

Having considered the parties' proffers, the Pretrial Services Report and the files and records in this matter, I find by a preponderance of the evidence that defendant is a risk of flight and by clear and convincing evidence that defendant is a danger to the community and I hereby **ORDER** him detained. In so holding, I have considered the following factors:

1 1. The defendant is charged by indictment with
2 violations of 21 U.S.C. § 846 (Conspiracy to Distribute
3 Methamphetamine and Ecstasy) and 21 U.S.C. § 841(a)(1)
4 (Distribution of Ecstasy). Pursuant to 18 U.S.C. § 3142(e),
5 because the maximum penalty for these violations is a term of
6 ten years or more under the Controlled Substances Act, there
7 is a rebuttable presumption that "no conditions or combination
8 of conditions will reasonably assure the appearance of the
9 person and safety of the community." Defendant has dispelled
10 neither presumption.

11 2. The defendant is subject to a mandatory minimum
12 of ten years imprisonment. Because he faces a potential life
13 sentence and a mandatory prison term of at least ten years, he
14 has an incentive to flee.

15 3. The defendant has had a significant number of
16 contacts with law enforcement while he was a juvenile. These
17 contacts include assaultive behavior and theft.

18 4. Defendant has family ties to the community.
19 However, there is no one who has sufficient assets that can be
20 posted to secure the defendant's return to court. In addition
21 it appears that his family has been unable to control his
22 behavior in the past. He does not have a stable employment,
23 educational or residential history.

24 5. The defendant's release would present a danger
25 to the community. The government proffered that on June 21,
26 2005, the defendant was found in possession of approximately
27 1,000 ecstasy pills with a street value of about \$30,000. In
28 addition, on May 22, 2005, law enforcement authorities in

1 Arizona identified the defendant as a passenger in a car that
2 was escorting another vehicle which contained 148,000 ecstasy
3 pills. Following the May 22, 2005, stop in Arizona, the
4 defendant was seen in San Francisco with the individual who
5 was driving the car that contained the 148,000 ecstasy pills
6 on at least two occasions.

7 6. In passing the Bail Reform Act, Congress was
8 particularly concerned with the danger that drugs and violence
9 posed to the community.

10 7. Defendant did not proffer any conditions of
11 release, nor have any occurred to the court, that would
12 reasonably assure his appearances at trial or the safety of
13 the community. While his mother, aunt, and cousin offered to
14 sign an unsecured bond, given the risks discussed above, I do
15 not find that proposal adequate.

16 Therefore, **IT IS HEREBY ORDERED** that:


17 (1) The defendant be, and hereby is, committed to
18 the custody of the Attorney General for a confinement in a
19 corrections facility separate, to the extent practicable, from
20 persons awaiting or serving sentences or being held in custody
21 pending appeal;

22 (2) The defendant be afforded reasonable opportunity
23 for private consultation with his counsel; and

24 (3) On order of a court of the United States or on
25 request of an attorney for the government, the person in
26 charge of the corrections facility in which the defendant is
27 confined shall deliver the defendant to an authorized Deputy
28 United States Marshal for the purpose of any appearance in

1 connection with a court proceeding.

2 Dated: August 9, 2005

3 
4 Bernard Zimmerman
5 United States Magistrate Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

Ancajima et al,

Defendant.

Case Number: CR05-00491 VRW

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 10, 2005, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anjali Chaturvedi
US Attorney's Office
Organized Crime Strike Force
450 Golden Gate Avenue
San Francisco, CA 94102

Ann Carole Moorman
Law Offices of Ann C. Moorman
308 South School Street
Ukiah, CA 95482

Dated: August 10, 2005


Richard W. Wieking, Clerk
By: Lashanda Scott, Deputy Clerk